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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,503	04/05/2001	Charles H. Carter JR.	CM03024J	7883

7590 01/16/2007
Frank M. Scutch, III
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2615

The Appeal Brief filed on 26 October 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). The claimed invention is not mapped to independent claims 1, 7, 8, which shall refer to the specification by page and line number and to the drawings, if any.

The claims appendix should only include the claims involved in the appeal. Claim 2 is not appealed. As such, it should not be listed in any way.

The Status of Claims section erroneously states there are 6 claims in the application, when there are actually 7.


There is an incorrect date for final rejection and no clear statement of status of amendments in the Status of Amendments section.

The evidence and related proceedings appendices still do not appear on separate pages.

Because at least some of these defects were cited in previous notices, the response period set in the Notification of Non-Compliant Appeal Brief mailed on 2 October 2006 is not restarted. If a corrected appeal brief remedying all defects cited in the prior notices is not received with appropriate request and payment for extension of time by 2 April 2007, the appeal will be dismissed and the application abandoned. Please see the current revision of MPEP section 1205 for requirements of the appeal brief.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Daniel Swerdlow
Primary Examiner
Art Unit 2615

ds
5 January 2007